

Applicants: Franciscus Petrus Nijkamp et al.
Serial No.: 10/712,985
Filed: November 13, 2003
page 5 of 8

REMARKS

Claims 22-32 were pending in the subject application. By this amendment, applicants have canceled claims 25, 28, and 32 without prejudice or disclaimer, and amended claims 22, 26, and 29-31. Accordingly, upon entry of this amendment, claims 22-24, 26-27 and 29-31 will be pending and under examination.

Applicants maintain that the claim amendments do not raise an issue of new matter. Support for amendments to claims 22, 26 and 29 can be found at least in now canceled claims 25, 28, and 32. Support for amendments to claims 29-31 can be found at least on page 6, lines 26-27 of the specification.

The specification has been amended to insert a heading for the Brief Description of the Drawings and to correct an obvious error in the numbering of the figures. Applicants maintain that the amendments to the specification do not raise an issue of new matter.

Entry of the amendments is respectfully requested.

Objections to the Specification

The Examiner objected to the specification for not including a heading for the Brief Description of the Drawings on page 6 and for reciting the incorrect Figure number on page 13. The specification has hereinabove been amended to correct the formalities raised by the Examiner. Accordingly, withdrawal of these objections is respectfully requested.

Rejections under 35 U.S.C. §112, First Paragraph

The claims are rejected for failing to comply with the written description requirement of 35 U.S.C. §112, first paragraph.

1. The Examiner indicated that there is no original disclosure of peptides having sequences complementary to proline-glycine-proline as is recited in independent claims 22, 26, and 29.

Claims 22, 26, and 29 have hereinabove been amended to replace the language referred to by the Examiner. The claims now recite that the peptide consists of "arginine-threonine-arginine (RTR) and/or 4-RTR." Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

2. The Examiner indicated that there is no original disclosure of treatment of Acute Respiratory Distress Syndrome as is recited in claims 29-31 and that the original disclosure defines ARSD as Adult Respiratory Distress Syndrome.

Claims 29-31 have hereinabove been amended to replace "Acute" with "Adult." Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

3. The Examiner indicated that the breadth of the claims does not comply with the written description requirement because the claims could literally embrace an uncountable number of peptides used in the treatments specified in the claims.

Independent claims 22, 26, and 29 have hereinabove been amended to recite that the peptide consists of "arginine-threonine-arginine (RTR) and/or 4-RTR." Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. §112, Second Paragraph

Claims 22-24, 26, 26, and 29-31 are rejected under 35 U.S.C. §112, second paragraph, as indefinite for reciting use of a peptide which has a sequence that is "complementary" to proline-glycine-proline.

Applicants: Franciscus Petrus Nijkamp et al.
Serial No.: 10/712,985
Filed: November 13, 2003
page 7 of 8

Claims 22, 26, and 29 have hereinabove been amended to replace the language referred to by the Examiner. The claims now recite that the peptide consists of "arginine-threonine-arginine (RTR) and/or 4-RTR." Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. §102 and §103

Claims 22 and 25 are rejected under 35 U.S.C. §102(a) and (e) as anticipated by Tuomanen et al. (U.S. Patent No. 5,932,217).

Claims 23, 24, 26-30 and 32 are rejected under 35 U.S.C. §103(a) as being obvious over Tuomanen et al. (U.S. Patent No. 5,932,217) in view of Ringler et al. (U.S. Patent Application Publication No. 2002/0172679), Harlan et al. (U.S. Patent Application Publication No. 200/0006656), Morin, Jr. et al. (U.S. Patent No. 6,013,674), or Thorsett et al. (U.S. Patent No. 6,489,300).

Tuomanen et al. disclose the peptide GRTRG and its use to inhibit adhesion between leukocytes and endothelial cells, to inhibit the influx of leukocytes into inflamed tissue, and to treat inflammation.

Independent claims 22, 26, and 29 have hereinabove been amended to recite that the peptide used in the claims consists of "arginine-threonine-arginine (RTR) and/or 4-RTR." None of the cited references teach or suggest the use of the specific peptide recited in claims 22, 26 and 29 for treating autoimmune disease, heart disease or Adult Respiratory Distress Syndrome. Applicants maintain that the amended claims are neither anticipated nor rendered obvious by the cited references. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Applicants: Franciscus Petrus Nijkamp et al.
Serial No.: 10/712,985
Filed: November 13, 2003
page 8 of 8

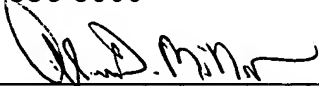
CONCLUSIONS

A check for \$60.00 is enclosed to cover the fee for a one month extension of time for a small entity. No additional fee is deemed necessary in connection with the submission of this Amendment. However, if any other fee is required to maintain the pendency of the subject application, authorization is hereby given to withdraw the amount of any such fee from Deposit Account No. 01-1785. Overpayments may also be credited to Deposit Account No. 01-1785.

Respectfully submitted,

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New York, New York

By 
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